

TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 76/086,290;
Filed July 11, 2000;
In the name of Custom Golf Sales, Inc.;
Published in the Official Gazette, February 26, 2002;

12-23-2002

U.S. Patent & TMO/c/TM Mail Rpt Dt. #78

RANDY N. GRAHAM,
Opposer,

v.

CUSTOM GOLF SALES, INC.,
Applicant.

Opposition No. 91151470

(Opposer's File No. 26647.001)

(Applicant's File No. 2150-1/020342)

December 19, 2002

BOX TTAB - NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

DEC 30 AM 9:30

TRADEMARK TRIAL AND
APPEAL BOARD

**OPPOSER'S CONSENTED MOTION TO REOPEN AND EXTEND
DISCOVERY AND TESTIMONY PERIODS**

Sir:

Pursuant to 37 C.F.R. § 2.121, Opposer, Randy N. Graham, respectfully moves the Trademark Trial and Appeal Board to reopen the discovery period and to reset the discovery and testimony periods in the above-captioned action. In support of this Motion, the Opposer shows the Board the following:

1. Opposer's counsel of record, James M. Harrington, Clifford R. Jarrett, and Kennedy Covington Lobdell & Hickman, LLP, have, contemporaneously with this motion,

cmc

requested that the Board grant them leave under 37 C.F.R. § 10.40(c) to withdraw as counsel of record for Opposer.

2. The stated grounds for withdrawal are that the Opposer has failed to pay a number of statements, as agreed, for an unreasonable amount of time.

3. Further to the Opposer's failure as noted above, Opposer failed to authorize Opposer's counsel to conduct discovery during the original period, and no discovery was conducted.

4. The reopening of discovery and an extension of discovery and testimony deadlines are necessary to prevent substantial prejudice to Opposer's rights.

5. Counsel for Applicant, Gregory Everman, has consented to the reopening and extension.

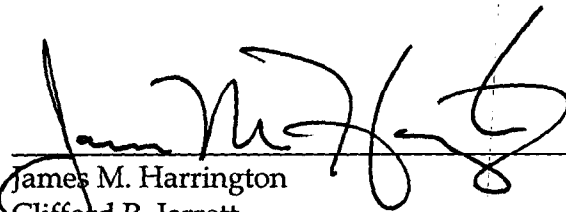
6. Opposer's Motion is made in good faith and not for the purpose of delay.

If this Motion is approved by the Board, the Discovery and testimony periods are set as follows:

Discovery period to close:	March 4, 2003
30-day testimony period for party in position of plaintiff to close:	May 5, 2003
30-day testimony period for party in position of defendant to close:	July 7, 2003
15-day rebuttal testimony period for plaintiff to close:	August 22, 2003

WHEREFORE, the Opposer respectfully moves the Board to reopen discovery and to extend the deadlines for discovery and testimony in the above-captioned action.

Respectfully submitted,

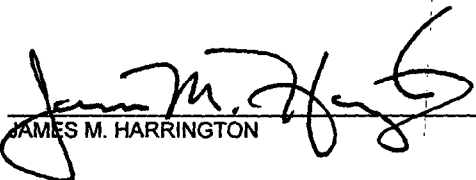


James M. Harrington
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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited on the date indicated below with the United States Postal Service with proper postage as First Class Mail under 37 CFR § 1.8, addressed to: BOX TTAB - NO FEE, Commissioner For Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

12/19/2002
DATE



JAMES M. HARRINGTON

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Applicant and the Opposer in the foregoing matter with a true and correct copy of this Request by depositing a copy thereof in the United States Mail in a properly addressed envelope with adequate postage thereon.

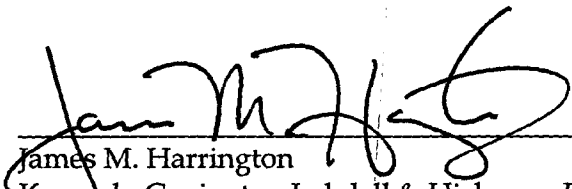
To Applicant, to its counsel of record:

Ralph H. Dougherty
Gregory R. Everman
Dougherty, Clements & Hofer
6230 Fairview Road
Suite 400
Charlotte, North Carolina 28210

To Opposer:

Randy N. Graham
4545 S. New Hope Road
Gastonia, North Carolina 28056

This, the 19th day of December, 2002.



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